

APR 10 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DANIEL VALERIANO-DEROSAS,

Defendant - Appellant.

No. 05-10513

D.C. No. CR-05-00571-1-CKJ/BP

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Arizona
Cindy K. Jorgenson, District Judge, Presiding

Submitted April 5, 2006^{**}

Before: HAWKINS, McKEOWN and PAEZ, Circuit Judges.

Daniel Valeriano-Derosas appeals from the district court's judgment and 43-month sentence imposed following a guilty-plea conviction for illegal reentry after deportation, in violation of 8 U.S.C. § 1326(a), as enhanced by (b)(2).

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), counsel for Valeriano-Derosas has filed a brief stating that there are no grounds for relief, and a motion to withdraw as counsel of record. Valeriano-Derosas has not filed a pro se supplemental brief, and the government has not filed an answering brief.

We have conducted an independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 83 (1988), and we dismiss in light of the valid appeal waiver. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000) (stating that an appeal waiver is valid when it is entered into knowingly and voluntarily).

Counsel's motion to withdraw is **GRANTED**.

DISMISSED.